

## **ARRC document explanation of proposed revisions**

There are five different ARRC documents: ARRC Procedures and four documents that specify procedures for our Special Committees (AFT-A Procedures, AFT-B Procedures, Grievance Procedures and Professional Conduct Procedures). Changes shown in these five documents come from three sources:

- 1) last year the ARRC and Faculty senate approved changes taken up by Wes Peterson to update outdated language and to revise procedures that more accurately reflect current practice of the ARRC such as dissolving the Special Resource Group and clarifying the role of an ARRC Observer and academic advisors (these changes are in red and have no yellow highlighting) – these changes were approved by the faculty senate last year and forwarded to administration but never brought to the Board of Regents for approval
- 2) this August the ARRC approved some changes recommended by a faculty member (Patrick Shea) who participated in a Special Committee Hearing such as specifying a follow-up to the pre-conference hearings and resolving a potential conflict of interest when the Chancellor is a witness in a case (these changes are shown in blue using tracked changes and are highlighted in yellow) – these proposed changes need approval from the Faculty Senate to be forwarded to administration
- 3) several changes are proposed to bring ARRC operations in line with proposed changes to the BoR Bylaws (these changes are shown in blue using tracked changes and are highlighted in yellow) – these proposed changes need approval from the Faculty Senate to be forwarded to administration

Below we explain the changes highlighted in yellow in each ARRC document, because these are the policy changes that have not yet been approved by the Faculty Senate. The actual recommended changes to each ARRC document are show in separate documents.

### ARRC Procedure

- In Section 1.1.3, we simply refer to the appropriate section of UNL Bylaws rather than providing a restatement of those bylaws in a footnote.
- In Section 1.2.4, we correct a typo.
- We remove section 3.4.3 because immediate suspensions will now be handled in a different way as now specified under Section 7.1 described below.
- In Section 4, we include new language to make clear the ARRC reviews and rules on the imposition of an immediate suspension of a professional staff member by administration. As stated in section 4.6 and 4.7, ARRC also rules on whether a formal complaint filed is moved forward to a special committee for a hearing. Once a complaint is accepted and a special committee in convened, the special committee is charged with investigating and ruling on the charges within the complaint.
- In several parts of Section 4, we simply update or add Regent Bylaw references.
- We add Section 5.3, to explain that each party has a right to an academic advisor, to define the role of the academic advisor, and to indicate that requests for an academic advisor are submitted to the Chair of the Special Committee.

- Major revisions are made to Section 7.1 to specify the process for the review of immediate suspensions by the ARRC. These revisions are necessary to be in compliance with proposed changes to the BOR Bylaws on immediate suspensions.
- In Section 8, we address a potential conflict of interest by indicating that if the Chancellor is a witness in a Special Committee hearing, then the President should be the one who follows-up on any recommendations made by a Special Committee. We further add that the administrative follow-up to Special Committee recommendations should give due considerations to the committee's findings and provide a copy of their written response to the Special Committee.

#### AFT-A Procedures (Academic Freedom and Tenure Cases)

- Prior to Section 5, we are simply updating document references.
- In Section 5, we provide new instructions to the Chair of an AFT-A committee for how to follow-up on the Pre-Hearing Conference.
- In Section 9, we address a potential conflict of interest for when a Chancellor serves as a witness in an AFT-A Hearing, and add that the administrative follow-up should give due consideration to the AFT-A committee's findings and provide a copy of their written response to the AFT-A Committee.

#### AFT- B Procedures (Termination Cases)

- In Section 1.3.1 and 7.5, we simply update Regent Bylaw references.
- In Section 5.1, we provide new instructions to the Chair of an AFT-B committee for how to follow-up on the Pre-Hearing Conference.
- In Section 9, we address a potential conflict of interest for when a Chancellor serves as a witness in an AFT-B Hearing. We do not include language about the administrative follow-up to the AFT-B committee's findings because that language is already specified in BoR Bylaws Section 4.14.2(f).

#### Professional Conduct Procedures (Professional Misconduct Cases)

- In Section 1.3.1, we update a Regent bylaw reference.
- We delete much of Section 3.1.1, which references outdated procedures. Specifically, there is no longer a Section 3.3.6 in ARRC Procedures and discrimination complaints are handled through Institutional Equity and Compliance (IEC) office. A small phrase in Section 3.1.2 and a large part of Section 3.2 is deleted for the same reason.
- Substantial additions are made to numerous sections of PC Procedures with the purpose of making PC procedures be consistent with AFT-B Procedures. AFT-B procedures meet AAUP recommended guidelines for engaging in faculty disciplinary processes. When the administration wants to impose a major sanction lessor than termination, such as a suspension, on a member of the professional staff, then these cases will go through the PC committee. Therefore, the following changes to the PC Procedures are recommended to be in line with the same standards as those followed by AFT-B Procedures, which are used for termination:
  - In Section 3.7, we include a provision to allow for an open hearing.
  - In Section 4.1 (specifically, 4.1.4 and 4.1.12), we add a provision that requires verbatim transcripts of the Investigative Hearing by a court reporter when

the complainant is an administrative officer (e.g., Department Chair, Dean, VC). This is elaborated on further in new Section 6.5 and Section 8.3 specifies how to deliver and archive the hearing transcripts.

- In Section 4.3, we extend the timeline to 20 days.
- In Section 5, we add language about witnesses and documents and allow for the presence of attorneys for each party. Additional language about evidence and witnesses is also added to Section 6.3.
- In Section 8.3, we add information about what needs to be archived in the case file including saving exhibits and a record of any action taken against the respondent.
- In Section 10.3.6, we add language about communicating discrimination concerns to IEC.
- Similar to revisions made to other sections of Special Committee Procedures,
  - In Section 5.1, we provide new instructions to the Chair of a Professional Conduct committee for how to follow-up on the Pre-Hearing Conference.
  - In Section 9, we address a potential conflict of interest for when a Chancellor serves as a witness in a Professional Conduct Investigative Hearing. We further add that the administrative follow-up should give due consideration to the committee's findings and provide a copy of their written response to the Special Professional Conduct Committee.

#### Grievance Procedures (all other cases)

- Prior to Section 5, we simply update Regent Bylaw references. This occurs again in Section 8.2.1 and for the footnote in this section.
- In Section 5.1, we provide new instructions to the Chair of a Grievance Committee for how to follow-up on the Pre-Hearing Conference.
- In Section 8.3.1.1 and 9.1, we address a potential conflict of interest for when a Chancellor serves as a witness in a Grievance Investigative Hearing. In Section 9.1, we further add that the administrative follow-up should give due consideration to the committee's findings and provide a copy of their written response to the Special Grievance Committee.